

REMARKS

Claims 10 and 11 are amended. Claims 10-16 are pending in the application.

Applicant acknowledges the Examiner's indicated allowability of the subject matter of claims 12-16.

Claims 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miyazaki, U.S. Patent No. 4,511,744. With direction to MPEP § 2131, anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 10 and 11 are allowable over Miyazaki for at least the reason that the reference fails to disclose each and every limitation in either of those claims.

As amended, independent claim 10 recites providing a composition containing initial reactants comprising one or both of lactate and lactic acid, adding acid to the composition and reacting the initial reactants with hydrogen in the presence of a multimetallic catalyst. The amendment to claim 10 with respect to the catalyst is supported by the specification at, for example, page 7, lines 1-3; page 9, lines 5-20; page 11, lines 16-22; and the claims as originally filed. The additional amendments to claim 10 are intended to provide improved claim format and clarity. Miyazaki discloses preparing of catalysts comprising silica and copper under basic (high pH) conditions (col. 3, ll. 56-65), and utilizing the catalyst for hydrogenating a variety of lower alkyl esters (col. 5, ll. 36-50). In Example 5, Miyazaki indicates that ethyl lactate can be hydrogenated utilizing the disclosed catalyst (col. 6, ll. 38-48). However, Miyazaki does not disclose the claim 10 recited reacting of initial reactants comprising one or both of lactate and lactic acid with hydrogen in the presence of a multimetallic catalyst. Nor does Miyazaki disclose the recited adding acid to

the composition prior to reacting the initial reactants. Accordingly, claim 10 is not anticipated by Miyazaki and is allowable over this reference.

Dependent claim 11 is amended to properly depend from base claim 10. Claim 11 is allowable for at least the reason that it depends from an allowable base claim.

For the reasons discussed above, claims 10-16 are allowable. Accordingly, the application is in condition for immediate allowance and such allowance is respectfully requested in the Examiner's next action.

Respectfully submitted,

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